

PRIMARY BOARDS OF MANAGEMENT

Information Manual

November, 2007



Note: This booklet is intended as a guide only, and content may change over time as new legislation and circulars are introduced. It has been drawn up as a compendium of information to assist boards of management. The guide does not supplant the source documents nor does not it purport to hold circular status.

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Information Manual

1. Legal Framework

(a) The Education Act, 1998 and Education (Welfare) Act, 2000

Note: (for full text of Education Act, 1998 please refer to Department's website at www.education.ie)

The Education Act 1998 and the Education (Welfare) Act 2000 are key pieces of legislation which set out the regulatory framework for our education system. Both pieces of legislation are essential tools for Boards of Management in the governance of schools.

Section 7 of the Education Act outlines the regulatory functions of the Minister for Education and Science.

The Act provides that the Minister shall have all such powers as are necessary or expedient for the purposes of performing his/her functions. The Act provides that the Minister is responsible for the provision of funding and support services to recognised schools and in doing so, s/he is required to have regard to the resources available, the provision for education and training made by other agencies, the need to reflect the diversity of educational services and existing practices.

The Minister is also responsible for the recognition of new schools and, in this respect, will consider an application for recognition from a proposed new school, in light of factors such as; viability, whether the needs of the students cannot reasonably be met by other existing schools in the area, the curriculum to be followed and whether the patron of the proposed new school agrees to co-operate with regular inspection and evaluation and such other regulations which may be set down by the Minister from time to time. The corollary also applies in that the Minister may also withdraw recognition from a school.

Section 7(1) states:-

- (a) that it shall be the function of the Minister "to ensure, subject to the provisions of the Act, that there is made available to each person with a disability or who has other special needs, support services and a level and quality of education appropriate to meeting the needs and abilities of that person.
- (b) to determine national education policy, and
- (c) to plan and co-ordinate
 - (i) the provision of education in recognised schools and centres for education and
 - (ii) support services....."

Section 8 of the Education Act, 1998 requires that each school should have a registered Patron who shall be responsible for the appointment of an effective Board of Management. Boards of Management are recognised under Section 14 and 15 of the Education Act, 1998.

While members of Boards have a responsibility to ensure that procedures are in place within the school to keep their pupils safe, they are not personally liable for claims against the school. **Section 14(7) of the Education Act, 1998** states “**Except as provided by this Act, no action shall lie against a member of a board in respect of anything done by that member in good faith and in pursuance of this Act or any regulations made by the Minister under this Act.**” This specifically protects individual members acting in good faith and in accordance with prescribed or agreed procedures from being sued.

(b) The Constitution of Boards and Rules of Procedure

Boards of Management are required to comply with The Constitution of Boards and Rules of Procedure which are revised periodically and agreed through discussions involving representatives of the primary management bodies, the Department of Education and Science, the INTO, Irish Primary Principals Network (IPPN) and the National Parents Council (Primary).

A revised booklet will issue to all boards of management in the run up to the changeover of boards in December 2007. Boards should familiarise themselves with the content of the revised handbook and ensure that each member of the board is provided with a copy.

(c) Education for Persons with Special Educational Needs Act 2004

The Education for Persons with Special Educational Needs Act (EPSEN) 2004 was enacted in July 2004. The Act provides for further improvements in the services available to children and young people and includes the right to an Individual Education Plan and to recourse to an independent appeals process at different stages. It also provides for the co-ordination of services between the health and education sectors as well as providing for the role of the National Council for Special Education (NCSE) in primary legislation.

EPSEN is being implemented on a phased basis and, as required under the Act, the NCSE submitted its Implementation Report to the Minister for Education and Science in October 2006. The report sets out the Council’s views and recommendations on a plan for the implementation of the EPSEN Act 2004 including the establishment of the appeals and assessment processes. While the report focuses on the implementation of the EPSEN Act 2004, it does have regard to the implementation of Part 2 of the Disability Act 2005 and the need for the health and education sectors to work in close co-operation to ensure the proper implementation of both acts. To this end a cross- sectoral team representative of senior officials of both sectors has been established

(d) Legislation/Rules relevant to primary schools

- Education Act 1998
- Education (Miscellaneous Provisions) Act, 2007
- Education (Welfare) Act 2000
- Teaching Council Act 2001
- Rules for National Schools

- Disability Act 2005
- Education for Persons with Special Educational Needs Act 2004
- Terms of Employment (Information) Act 1994
- Organisation of Working Time Act 1997
- Employment Equality Acts 1998 and 2004
- Equal Status Acts 2000 and 2004
- Safety, Health and Welfare at Work Act 2005
- Data Protection Acts 1988 and 2003
- Unfair Dismissals Acts 1977-93
- Payment of Wages Act 1991
- Protection of Employees (Part-time Work) Act, 2001
- Protection of Employees (Fixed-Term Work) Act, 2003

(e) Useful Contacts

- **Department of Education & Science,**
Marlborough Street, Dublin 1, Tel: 01 8734700
- **National Education Welfare Board (NEWB),**
16-22 Green St. Dublin 7 Tel: 01 8738600 or 1890 36 36 66
- **National Centre for Technology in Education (NCTE),**
Dublin City University, Dublin 9. Tel: 01 7008200
- **National Council for Curriculum and Assessment (NCCA),**
24 Merrion Square, Dublin 2. Tel 01 6617177
- **National Educational Psychological Service (NEPS),**
Head Office, Frederick Court, 24/27 North Frederick Street, Dublin 1. Tel: 01 8892700
- **National Council for Special Education (NCSE) www.ncse.ie**
1-2 Mill Street, Trim, Co. Meath. Tel 046 9486400.
- **Special Education Support Service (SESS),**
c/o Cork Education Support Centre, Western Road, Cork. Tel 1850 200 884
- **The Teaching Council,**
Block A, Maynooth Business Campus, Maynooth, Co. Kildare. Tel. 01 6517900
- **School Development Planning Service (Primary),**
SDPS Office, Drumcondra Education Centre, Drumcondra, Dublin 9. Tel. 01 8576427
- **Primary Curriculum Support Programme,**
SIAC Building, Monastery Road, Clondalkin, Dublin 22.
Tel (01) 464 2227/4642305/464 2306
- **Comhairle um Oideachas Gaeltachta agus Gaelscolaíochta,**
22 Fitzwilliam Place, Dublin 2. Tel: 01 6340831

2. An Overview

Our current system of school management has served us well. It means that communities have a strong role in how schools are run and that Patrons can ensure that their ethos is promoted in their schools. Such a locally-based system places a lot of responsibility on board members and the Department is anxious to ensure that members of boards are provided with training and other supports that are needed to discharge board members' responsibilities.

The general responsibilities of a Board of Management have been prescribed in legislation as outlined above. Implicit in these regulations is a responsibility for the creation of a working environment which promotes the learning and welfare of students and which facilitates the professional development and welfare of school personnel. Matters of policy regarding personnel management are a matter for the Board of Management of a school.

3. Term of Office of Boards of Management

Boards of Management are appointed for a four year term in accordance with the Constitution of Boards and Rules of Procedure. New Boards are due to be appointed on 1st December 2007 and will remain in situ for a four year period until 30th November 2011.

It is useful for Board members, at the beginning of their term of office to consider, together, what their particular role is. Board members might discuss objectives for their term of office which would include the development of the school and of the Board of Management itself. Particular functions which are carried out by the Board in fulfilment of their role are outlined in this manual.

The contributions of each member of the Board should be recognised, affirmed, valued and encouraged.

Board members must be assisted in realising and accepting that they carry the responsibility for the management of the school, subject to their accountability to the Patron and subject to the regulations laid down by the Department.

4. Composition of Boards

- a) For schools with a recognised staff of **more than one** teacher:
 - 2 direct nominees of the Patron
 - 2 Teacher Representatives
 - 2 Parent Representatives
 - 2 Community Representatives

- b) For schools with a recognised staff of **one teacher**
 - 1 direct nominee of the Patron
Principal Teacher of the School
 - 1 Parent Representative
 - 1 Community Representative

It is important to note that Board members are not delegates of their electorates. They have no obligation to either report back to their electors or to take instruction from them on how to vote at Board meetings. Such reporting may be a breach of the confidentiality requirement 8(a) of the Constitution. It is a matter for each Board to decide what may be reported, and, in this respect, it is advisable that personnel, financial and personal matters should be treated as strictly confidential unless otherwise decided by the Board.

5. The Patron and the Education Act

The Education Act states that the patron of the school should carry out the function and exercise the powers conferred on the patron by the Education Act and any such other functions and powers as may be conferred on the patron by any act or instrument, deed, charter, articles of management or such other instrument relating to the establishment or operation of the school. (Section 8 (6)).

Throughout the Act there is reference to a number of groups being consulted before decisions or procedures are put in place. Patrons are amongst the groups to be consulted.

Section 14 sets out the duty of the patron, for the purpose of ensuring that a school is managed in a spirit of partnership, to appoint a board of management. The board has a duty to consult with the patron in regard to procedures and must follow the directions of the patron when appropriate. The board acts on behalf of the patron in running the school and the patron may, with the consent of the Minister, dissolve a board or remove a member where the board is failing to uphold the ethos of the school or where an individual member breaches the procedures. (Ref. Sections 14, 16 and 17 of the Education Act, 1998.)

The board of management is to consult with the patron before publishing any particular strategies or plans [section 15 (2)(c), in particular section 15(2)(d)], such as admissions policy and code of behaviour. These items are subsumed within the development of the school plan described in section 21. The patron is to be consulted about the preparation of the school plan which will set out the policy statement and strategies of the school.

Patrons will need to consider their own policies in regard to how they will assent to these items. School plans are very important not merely for the development and organisation of individual schools but could be referred to where parents make complaints about the school or where teachers have a grievance about their own employment or where the action of the school is challenged.

The authority of an individual board of management derives from its appointment by the Patron (section 14 (1)). There has already been reference to the right of the patron with the consent of the Minister to remove a member or to dissolve the board of management. More important, perhaps, should be the expectation that the patron is to be supplied with information regarding the performance of the board's functions (section 19(4)).

At primary level a patron has the right to consent or to withhold consent to the appointment of all members of the teaching staff. It is important that any selection board is advised of the patron's views in regard to any particular criteria for appointment. This is an important right and is underscored by the patron's right to appoint to the selection board (one individual in the case of a class teacher: two nominees for the selection of a principal). (See Appendix D of the Constitution for boards of management 2007 edition). Patrons should seek formal written assurance from the selection board and the board of management that the agreed procedures have been followed.

The characteristic spirit of the school sets the tone or philosophy for the development of a school and the patron has the right to guide that characteristic spirit and to see that the board and staff support the ethos which has been developed in that school in accordance with the directions of the patron. However, there are other checks and balances which have got to be taken into account and these are set out in the objects of the Act (section 6) and the functions of the school (section 9). In schools where there is a deed of variation the trustees covenant with the Patron that the school shall be managed in accordance with the particular ethos set out by the patron and in accordance with the rules and regulations of the Department of Education and Science.

It is the role of the patron to request from the Minister recognition of a school (section 10) and to undertake that a school shall provide the approved curriculum issued by the Department of Education and Science. In the event of the Minister proposing to close a school s/he will be required to inform the patron and other partners (section 11(1)).

Patrons need to ensure members, particularly patron nominees are properly trained and advised and that boards of management are made aware of the need to consult the patron where contentious issues may be arising.

It is important that Patrons are proactive in asking schools to confirm that they are complying with relevant legislation. A number of Patrons request

- a) copies of statement of characteristic spirit, admissions policy and code of behaviour - these are interlinked and have requested changes in some cases before assenting to the policies
- b) annual accounts - requesting confirmation that these have been professionally audited or certified in accordance with the Education Act section 18
- c) an annual report related to section 20 of the Act.
Patrons should also request that any school which has undergone a whole school evaluation report should furnish a copy of the draft report to the patron.

6. A Framework for Good Practice

It is important to outline some of the functions and responsibilities of a Board of Management. Each board member has an active part in the management of the school. The Constitution of Boards and Rules of Procedure will assist boards in determining a framework for good practice.

As stated throughout this document, board members must be willing to uphold and support the ethos, culture and traditions of the school. Members may wish to familiarise themselves with the schedule for the school as outlined in the Deed of Variation (c.f. CPSMA handbook).

The workload should be shared fairly between all board members. New board members should be invited to participate in all discussions and work. The new board members should be assisted by the more experienced board members in learning board functions and the relationship between the board with the pupils, teachers, staff, patron, Minister for Education and Science, INTO, National Parents Council, the Irish Primary Principal's Network (IPPN) and the Managerial Bodies who represent the Patrons.

The agenda for each board meeting shall be centred on the issues affecting the school. The decisions reached at each board meeting should be recorded in a minute book.

The chairperson's role is one of facilitating the Board of Management through an agenda of business with a view to achieving responsible collective decisions which, once agreed on, are upheld by all board members as part of collective responsibility.

The Board of Management should strive to ensure that there is a good working relationship between relevant interests within the school community. The Board is required under the Education Act to assist the parents in the formation of a Parents' Association. The National Parents Council-Primary will assist boards in this. Information can be obtained from the NPC Head Office, 12 Marlborough Court, Dublin 1. Tel: 01 8874034

In addition, guidelines on procedures for good practice have been drawn up between the IPPN and the CPSMA and are available from either of these bodies.

7. Training for Boards

In recognition of the responsibility which the Education Act has imposed on Boards of Management and the increasingly complex environment in which they must operate, the Teacher Education Section (TES) of the Department has developed a new scheme for the provision of support to school management bodies for the purpose of training and development of boards of management in the discharge of their duties and consistent with national and DES priorities. This scheme is administered through Drumcondra Education Centre.

There is also an obligation on Patrons to provide training for Boards of Management. The Department, the Patron and the Primary Management Bodies provide assistance to boards towards such training. Where a Board requires training it should contact its Patron's Office and the various associated Management Bodies.

8. Removal of Board Members/Dissolution of Boards

In accordance with Section 16 of the Education Act, a Patron may, for good and valid reason, remove a member of a board. Such good and valid reason would include breach of confidentiality or the failure to disclose a direct involvement in a matter before the Board. (See Sections 8 and 15 of the Constitution and Rules of Procedure).

Section 16 of the Education Act 1998 states:

- (1) Subject to this section and to the consent of the Minister, the Patron may -
 - (a) for good and valid reasons stated in writing to a member of a board of management remove that member from that office, or
 - (b) if satisfied that the functions of a board are not being effectively discharged, dissolve that board

A Patron may dissolve a Board of Management only where he/she is satisfied that the functions of a board are not being effectively discharged. If a Patron has reached a determination that the Board is not effectively discharging its functions, the patron shall inform the Board in writing of the intention to dissolve it and the reasons therefor and allow the Board a period of one month in which to make representations.

Section 16(3) of the Act states “If, at the end of a period of one month after the date of the notice provided for in subsection (2), the patron, having considered any representations made to him or her by or on behalf of the member or the board, remains of the view that the member should be removed from office or that the board should be dissolved then the patron may, subject to the approval of the Minister, by notice in writing and stating the opinion of the patron and the reasons therefor, remove the member from office or dissolve the board as appropriate.

In anticipation of a dissolution the Patron should also secure the approval of the Minister for the appointment of a single manager/management body and that person or body may manage the school and exercise the functions of the Board of Management for up to six months, at which point, or before, the Patron must re-establish the Board of Management and appoint new members in accordance with the procedures laid out in the Constitution and Guidelines for Boards of Management.

Where a Patron believes it is appropriate that the single manager/management body should remain in control of the school for any period in excess of six months, the Patron must secure the approval of the Minister in the manner outlined above.

Section 16(7) states:

The Patron shall provide, in accordance with Section 14, for the re-establishment of a board dissolved under subsection (1) not later than six months following the dissolution or such longer period as the Patron, with the consent of the Minister, considers appropriate and when the new board has been established the functions of the dissolved board shall be re-vested in the new board and shall cease to be functions of the person or body of persons, if any, appointed under subsection (5).

9. Data Protection Acts, 1988 and 2003

When gathering information from parents, including data relating to enrolment, Boards of Management should exercise vigilance and be aware of their obligations arising from the Data Protection Acts, 1988 and 2003 and the need to ensure full compliance with the Acts in relation to the collection, use and disclosure of any automatically processed personal data. As the responsibility for applying and observing the Act rests with each individual school, institution or education body, these bodies should familiarise themselves fully with the provisions of the Act.

The Act is designed to protect the privacy of individuals with regard to automated personal data and to give effect in this country to the Council of Europe Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data (1981).

Permission must always be sought from individual parents/students before circulating or releasing personal data in relation to those individuals.

10. The Welfare of Teachers and school personnel

(a) The Board as employer

The Board, in accordance with Section 15 of the Education Act, 1998 manages the school on behalf of the Patron. Section 24 (1) of the Education Act 1998 provides that the Board of Management “may appoint such and so many persons as teachers and other staff of a school as the board from time to time thinks necessary for the performance of its powers and functions under this Act”. Section 24(3) of the Act also states that “A board shall appoint teachers and other staff, who are to be paid from monies provided by the Oireachtas, and may suspend or dismiss such teachers and staff, in accordance with procedures agreed from time to time between the Minister, the patron, recognised school management organisations and any recognised trade union and staff association representing teachers or other staff as appropriate”.

Procedures for the selection, interviewing and appointment of teaching staff are set out in Appendix D of the Constitution and Rules of Procedure for Boards of Management. The Board of Management is the employer and teachers are employed under a contract of employment with the Board. The Minister is not a party to this contract. While the Minister operates a payroll service in respect of teachers on behalf of Boards of Management and has statutory functions in the setting of terms and conditions for teachers, s/he is not their employer.

Once the appointment process has been completed a Notification of Appointment form must be submitted by the Board of Management to the Primary Payments Section of the Department in order that the teacher may be set up on the teachers’ payroll to receive salary payment.

There should be no delay on the part of the Board in forwarding information to the Department that may impact on the payment of a teacher’s salary, e.g. notification of appointment, resignation, approval of unpaid leave, career break, secondment, entitlement to post of responsibility etc.

Boards of Management are obliged to recruit and employ fully qualified primary teachers for any vacancy in the school.

The Education Act, 1998 requires Boards of Management, to promote equality of opportunity for all staff in the school and to “ensure that the needs of personnel involved in the management functions and staff development needs generally in the school are identified and provided for” (Section 9). The Act also requires the Principal Teacher, inter alia, to give “guidance and direction to the teachers and other staff of the school”; to “provide leadership to the teachers and other staff” and to create “a school environment which promotes the professional development of the teachers” (Section 23).

Difficulties relating to staff of a school are essentially matters for the Board of Management to investigate as the body responsible for the direct governance of the school and as the employer of the staff in the school. In general the Board has the responsibility to ensure that the school operates efficiently and effectively and also has responsibilities in relation to the actions of its employees.

The Board as manager of the school must manage the staff in the school and intervene when it considers necessary to resolve matters relating to the actions of its employees. The Board of Management is the employer and has similar powers to any other employer. The Minister/Department is not the employer and does not have an employer/employee relationship with the staff of a school. The Department cannot perform functions which are proper to the Board in relation to the management of the staff of the school.

In the case of Roman Catholic schools, under the Patronage of the Catholic Hierarchy, the Maynooth Statutes (1956) apply for the appointment and dismissal of teachers.

(b) The Role of the Principal Teacher

The 1998 Education Act sets out certain statutory rights and responsibilities of the Principal teacher. Section 22 of the Act provides that the Principal, together with the teachers, is responsible for the instruction provided to students in the school and contributes to the education and personal development of the students. Principals, together with teachers;-

- encourage and foster learning in students
- evaluate students and periodically report the results to the students and their parents
- promote co-operation between the school and the community which it serves
- carry out the duties assigned to them by the board of management

Under Section 23 the functions that apply to the Principal teacher include

- responsibility for the day-to-day management of the school
- provision of leadership to the teachers, other staff and the students of the school
- responsibility for the creation, together with the board, parents of students and teachers of a school environment which is supportive of learning among the students and which promotes the professional development of the teachers
- setting, through consultation, objectives for the school and monitoring the achievement of those objectives
- encouraging parental involvement in the children's education and in the achievement of the school's objectives, including guidance and direction of the teachers and other staff of the school, and be accountable to the board for that management.

In carrying out these functions the Principal should be supported by the Deputy Principal and holders of posts of responsibility. The sharing of responsibilities between the Principal, Deputy Principal, Assistant Principal and Special Duties Teachers are central to the effective functioning of the school and to providing the necessary support for Principals in carrying out their roles.

In addition, Principal Teachers may opt to act as Secretary to Boards of Management. Principal Teachers acting in this capacity to boards of management will receive an allowance in accordance with Circular 0079/2007. Duties of Principal Teachers who opt to act as Secretary to a Board of Management are outlined in this circular.

(c) Harassment/Assaults in the workplace

Boards of Management should be aware of the requirements of the Employment Equality Act, 1998, the Department of Equality and Law Reform Code of Practice 1994, entitled “Measures to Protect the Dignity of Women and Men at Work” and the Employment Equality Acts, 1998 and 2004 in relation to bullying and harassment in the workplace. The 1998 Act defines sexual harassment for the first time in Irish Law. It outlaws all forms of harassment, including sexual harassment in the workplace and in the course of employment, and it places an obligation on the employer to take all reasonable steps to ensure a harassment free environment.

In 1997, the Department issued a circular entitled “Assaults on teachers/school employees” to Boards of Management and Principals of all primary schools. This circular was drawn up in consultation with the partners in education, and drew the attention of Boards of Management to a number of issues such as:

- the Board’s duty to provide a safe place of work for employees;
- measures to be taken to prevent or minimise the risk of assaults to teachers or other staff employed in schools; and
- measures to be taken in support of staff who have been assaulted or threatened with assault and in ensuring that appropriate action is taken to safeguard against a recurrence.

Under health and safety legislation, school managerial authorities in their role as employers are responsible for ensuring the safety and health of their employees. This duty requires the drawing up a Safety Statement for the school in consultation with those at risk. The statement should identify potential hazards and assess the risks to health and safety. Harassment and other similar behaviours should be considered as potential hazards and assessed accordingly. Where there is a risk to health from these forms of behaviour, school based measures should be devised to prevent and deal with them and create an awareness within the school that they are unacceptable.

Boards should be aware of the availability of the Employee Assistance Service offered to teachers by the VHI. Details for this service are available on the Department's website at www.education.ie or employees may contact the service directly at Tel: 1800 411057 or e-mail eas@vhics.ie

(d) Vetting

In June, 2006 the Department of Education and Science issued Circular 0094/2006 to all schools in relation to new procedures on vetting of school personnel. Boards of Management should familiarise themselves with the requirements of this circular. The current circular requires some minor amendment and boards of management will be issued with a copy of a revised version of the circular shortly.

It is the responsibility of the Board of Management to ensure that any proposed new employee is vetted. However, school authorities shall ensure that vetting is only sought in respect of a person to whom it proposes to make an offer of employment. Applications should not be sought prior to a decision being taken to offer an appointment.

(e) Probation of Teaching Staff (Circular 0140/2006)

The probation of primary teachers is a key element in their professional recognition, as successful completion of the probationary period within the parameters outlined in Circular 0140/2006 is a pre-requisite for employment as a fully recognised primary teacher. The primary education environment which newly qualified teachers and teachers from other jurisdictions now enter is more complex than has been the case at any other time. In that context, therefore, the circular

- clarifies the range of teaching service that may be reckoned for probationary purposes and
- sets down in detail the probationary requirements of teachers who qualified outside the State.

The Circular sets down the Service and Professional Requirements for the probation of teachers who qualified in the State. It also deals with the probationary requirements of teachers from other jurisdictions seeking to attain full recognition in Ireland and certain Montessori teachers who qualified in Ireland. It provides answers to Frequently Asked Questions.

Currently, overall administrative responsibility for the probation process lies with Primary Administration Section 2 of the Department of Education and Science. Matters of professional guidance, the carrying out of inspection visits during the probationary period and reporting on such visits are all functions of the Inspectorate.

The Circular takes account of the General Allocation Scheme (Circulars Sp Ed 2/05 and 0036/2006) for the resourcing of schools to cater for pupils with special educational needs.

Under the Teaching Council Acts 2001 and 2006, and within a general requirement to implement Ministerial policy in the matter, the Teaching Council now has responsibility for determining the education, training and qualifications required for a teacher to be registered and for establishing procedures and criteria for the registration of teachers. In the future, the Council will assume responsibility for establishing procedures for the induction and probation of teachers. The terms of the circular will apply until such procedures have been established.

This circular supersedes and replaces Circular 18/83 as well as references to probation requirements set out in Circular 25/00. The circular is also available on the Department of Education and Science website (www.education.ie).

Probationary teachers should also be advised of the “Guidelines for Probationary Teachers in Primary Schools” published by the Department. Copies of the Guidelines are available on the Department’s website. In addition, Boards might wish to familiarise themselves with the contents of “Oide issue 2” published by the Teaching Council which deals with teacher induction.

(f) Staff Meetings

Circular 14/04 states “In respect of one staff meeting per term, all primary and post-primary schools will make provision to allocate from normal school time a period equivalent to the time given outside school. (Example: a staff meeting of two hours duration which was normally held before school closing time should now take place one hour preceding and one hour following normal school closing time)”.

Staff meetings and parent-teacher meetings should not be arranged for the day immediately preceding or immediately following the breaks set out in the Standardised School Year.

(g) The On-Line Claim System (OLCS) for Primary Schools

The Department has introduced an On Line Claim System referred to as OLCS from the 16th March, 2007. All primary schools will be using it in the near future.

The system is a major new development for the recording of leave, the payment of casual and non casual teachers (substitutes) and substitute special needs assistants. It is a web-based system which enables schools to input details of the absences of teachers and special needs assistants and the claims for the payment of casual and non-casual teachers and substitute special needs assistants on line using a P.C. in the school. The data inputted in the school is transferred by web to a central OLCS database. The data is subsequently transferred from the OLCS database to the Department payrolls on a daily basis.

The OLCS system replaces the substitute teacher salary claim form which had to be input manually and posted to the Department. It also replaces the necessity to input teacher absences on the quarterly salary return forms. The system has reduced the overall level of administration in submitting claims.

For example:-

- the requirement to complete all personal details each time a claim is submitted is eliminated if the person has been employed in the school previously,
- Less time to complete details of absences as system provides more options to choose from.
- The posting of claims is eliminated as the data submitted is transferred directly to the payroll.
- Previous claims and leave records are accessible for viewing.

2. Using the System

The process involved in submitting claims and absences are -

- The persons identified as users and approvers in the school are issued with passwords to enable them access the system using a P.C in the school.
- Once the person gains access to the system the relevant form is opened from a menu and the details regarding the absent teacher are completed.
- Lists of the various types of absences are provided on drop down lists shown on the P.C. screen.
- Leave details are saved and the claim forms are then completed.
- A list of the casual and non-casual teachers (substitutes) employed in the school in the previous year are available for selection which will enable schools to complete the claims much quicker.
- As soon as all the details are entered, the forms are saved and it is possible for the school to print a copy for their own records.

3. Security

To maintain the integrity of the OLCS system it is important that Boards of Management ensure that the necessary control and security measures are complied with. The designated user and approver of the system should be advised to keep the passwords secure at all times and not to pass them to other members of staff. If the user or approver must leave the P.C unattended s/he should logout of OLCS The data user and approver should always ensure that all details of the teachers and special needs assistants are input correctly to the system. In particular they should check that bank account details are input correctly.

4. Recording of Absences on the System

Boards of Management are responsible for the recording of absences of teachers and special need assistants on the system with the exception of new applications for career breaks. Initial applications for career breaks are set up by the Department on receipt of Board of Management approval. Extensions to career breaks should be entered by the school by changing the end date of the initial record.

The Board should ensure that all absences, both substitutable and non-substitutable, are recorded on the OLCS. The Department requires that leave absences are recorded to ensure that all staff members are paid correctly and the service history of the person is correct.

Leave records should be inputted by the school to the OLCS as they occur and must be entered in **date order**.

The details regarding teacher absences are summarised in Circular 32/2007. This Circular should be checked when recording leave on OLCS

(h) Appointment of Special Needs Assistants

Applications for special needs assistant support are now dealt with by the National Council for Special Education. The local special educational needs organisers (SENOs) process all applications for support from schools and communicate the decisions directly to the schools. The responsibility for the recruitment and employment of individual special needs assistants is a matter for each Board of Management. The procedures for the appointment of special needs assistants are outlined in Circular SNA 03/03. The current educational requirements specify that candidates for appointment to the post of special needs assistant must have been awarded Grade D (or pass) at least, in Irish, English and Mathematics in the Junior Certificate Examination, in the Day Vocational Certificate Examination or in an examination of equivalent standard.

Management authorities are advised that Circular - SNA 03/03 has been updated in August, 2007 and now sets out revised appointment procedures for Special Needs Assistants in primary schools and is available on the Department's website at www.education.ie

Boards of Management, in accordance with the guidelines set out in this circular, are responsible for the appointment of Special Needs Assistants in primary schools. Any such appointment is subject to the prior approval of the school's Patron.

A Special Needs Assistant shall only be appointed to a post which is to be filled within the allocation of posts approved by the National Council for Special Education (NCSE).

(i) Consultation with Teachers

Section 23 of the Education Act 1998 requires that there should be consultation with teaching staff in determining objectives for the school and in the monitoring of the achievement of these objectives.

(j) Employment of Primary School Teachers

The recruitment and appointment of personnel to fill teaching posts is a matter for the Board of Management of each individual school.

Agreed procedures with regard to the filling of posts (e.g. compliance with any redeployment panel arrangements in place, composition of selection boards, advertising etc) must be followed. The appointment procedures for all primary school teachers, regardless of school type, are set out in the publication, Boards of Management of National Schools Constitution of Boards and Rules of Procedure which is available to all Boards of Management. All appointments are made by the school Board of Management, with the approval of the Patron.

It is the policy of the Department that only qualified personnel should be employed. Unqualified personnel should not be appointed except in exceptional circumstances and then only when all avenues for recruiting qualified personnel have been exhausted.

(k) Conditions of Employment of Primary School Teachers

The terms and conditions of employment of teachers are matters that are agreed by representatives of teachers and school management under the auspices of the Teachers' Conciliation Council, which includes representatives of the Departments of Education and Science and of Finance. Agreed schemes are subsequently issued to school authorities by the Department of Education and Science, in the form of circular letters, for onward transmission to teaching staffs.

Current schemes cover the following, although this list is not exhaustive:-

- Adoptive leave
- Career breaks
- Carers' leave
- Force Majeure leave
- Incremental credit for previous teaching or relevant non-teaching service
- Job-Sharing
- Leave for death/illness in family
- Maternity leave
- Paternity leave
- Parental leave
- Personal leave
- Posts of Responsibility
- Principals who act as Secretary to BOM
- Redeployment Panel Rights
- Release time for Principals
- Secondments
- Sick leave
- Supervision for mid-morning & lunchtime breaks

The above circulars are available in your school or can be downloaded from the Department of Education and Science website: www.education.ie

11. The Board and the Welfare of Students

(a) Staffing of a Primary School

The mainstream staffing of a primary school is determined by reference to the enrolment of the school on 30th September of the previous school year. The actual number of mainstream posts sanctioned is determined by reference to a staffing schedule which is issued to all primary schools each year.

Within the terms of the staffing arrangements for primary schools there is provision for additional posts, referred to as developing school posts, to be assigned to schools on the basis of projected enrolments for the next school year. Under these arrangements, a developing school post may be sanctioned provisionally where the projected enrolment at 30th September of the school year in question equals or exceeds a specified figure. If the specified figure is not achieved on 30th September, sanction for the post is withdrawn.

It is open to the Board of Management to submit an appeal under certain criteria to an independent Appeal Board which was established in 2002 to adjudicate on appeals on mainstream staffing allocations in primary schools. Details of the criteria and application dates for appeal are contained in the staffing schedule.

The Appeal Board may only determine that a departure from the staffing schedule is warranted in the circumstances outlined at (a) to (c) below.

- (a) Where a departure from the staffing schedule is warranted to meet exceptional accommodation difficulties such as schools operating on a split site for a period following amalgamation or prior to the provision of a permanent building.
- (b) Where the Board is satisfied on the basis of verifiable evidence that the required pupil numbers were enrolled in September or October, but, due to circumstances outside the control of the school, were not enrolled on the 30th September. However, for staffing purposes, a pupil can be included in the enrolment of only one school in any school year.
- (c) Where the Board considers that in relation to the granting of a post under the developing school criterion, the projected pupil numbers required to retain the post were enrolled or are likely to be enrolled by December, but due to circumstances outside the control of the school, were not enrolled as expected on 30 September of the new school year. A post allocated by the Board under this criterion will be sanctioned on a provisional basis subject to confirmation of the required enrolment being achieved by December of the new school year. As with (b) above, for staffing purposes, a pupil can be included in the enrolment of just one school in any school year.

In the event that the school in which the pupil was enrolled on the 30 September can verify that the pupil did not need to be counted for the appointment or retention of a teacher in that school, the Appeal Board will consider allowing the pupil to be counted as part of the enrolment for staffing purposes in the school to which s/he has transferred.

The Appeal Board may make recommendations from time to time in relation to the appeals criteria.

(b) Valid enrolments

Department circular 24/02 sets out the policy in relation to valid enrolments and the importance of ensuring that school returns accurately reflect valid enrolments i.e.,

- a child must be 4 years of age on enrolment (copy of birth cert must be made available and the PPS number of the child should be obtained at time of enrolment)
- the primary school curriculum is designed as an eight year programme, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year.
- a child can only be enrolled in one school on 30 Sept. and would be expected to continue to be enrolled in that school for the duration of the school year. While it is accepted that in particular circumstances a child may transfer, for capitation and staffing purposes a child can be included in the enrolment of only one school in any school year
- if it is found that a pupil transferred to facilitate retention or creation of an additional post, the post will be suppressed

(c) Section 9 of the Education Act 1998

The Education Act 1998 places a responsibility on boards of management to manage the school for the benefit of students and to provide an appropriate education for each student in the school. The responsibilities placed on the Board by the Act require the board to perform the functions conferred on it and on the school by the Act. Some of the functions conferred on the board are outlined in Section 9 of the Act. Many of the functions refer to the welfare and rights of students and are reproduced below:

The overarching function of a school is to:

- Provide education to students which is appropriate to their abilities and their needs
- Ensure that the educational needs of all students, including those with disability or other special educational needs are identified and, within the limits of available resources, provided for
- Ensure that students have access to appropriate guidance to assist them in their educational and career choices

- Promote the moral, spiritual, social and personal development of students to provide health education for them in consultation with parents having regard to the characteristic spirit of the school
- Promote equality of opportunity for both male and female students
- Ensure that parents of a student, or in the case of a student who has reached the age of 18 years, the student, have access to records kept by the school relating to the educational progress of the student
- Establish and maintain systems whereby the efficiency and effectiveness of the operations of the school can be assessed, including the quality and effectiveness of teaching in the school and the attainment levels and academic standards of students

It is clear from the foregoing that the Board of Management is required, as far as is reasonably possible, to ensure that the climate of the school is such that students are valued and respected, and that their welfare and rights are protected. The Board implements this responsibility through the delegation to the Principal Teacher, and through the promotion of a school climate of shared values, attitudes and beliefs between the teaching staff, parents and students. This is an on-going process which should be encouraged through appropriate staff development programmes, through involving students and parents in the operation of the school, through identifying clearly aims and objectives through the evaluation of progress.

(d) Child Protection Guidelines

Boards of Management have a particularly important role in providing their pupils with high standards of care in order to promote their well-being and protect them from harm. School personnel are especially well placed to observe changes in behaviour or outward signs of difficulties which could cause concern in relation to child protection.

In 2001, the Department issued Child Protection Guidelines and Procedures to all primary schools. The Department Guidelines and Procedures were based on the *Children First* national guidelines issued by the Department of Health and Children and were specifically adapted to cater for a primary school setting.

The main aim of the Department Guidelines and Procedures is to give direction and guidance to school management and staff in dealing with allegations or suspicions of child abuse, with the protection and well-being of the child being the most important consideration. The Guidelines and Procedures set out the steps to be taken by school management and staff in dealing with suspicions or allegations of child abuse. Once there are reasonable grounds for the suspicion or allegation, the matter should be reported without delay to the health authorities. Along with being alert to child abuse of a sexual nature, schools must also be alert to signs of physical and emotional abuse or neglect and monitor the progress of children considered to be at risk.

Each board of management is required to designate a senior member of staff, normally the Principal, as the Designated Liaison Person (DLP) for the school. The DLP acts as a liaison person with the health authorities and other agencies (e.g. the Gardaí) and as a resource person to any staff member who has child protection concerns.

The Guidelines and Procedures also set out the steps to be taken by the school in dealing with allegations of child abuse against a school employee. In such cases the DLP is responsible for reporting the matter to the health authorities and/or Gardaí, while the chairperson of the board of management, acting in consultation with the board, is responsible for addressing employment issues. If the nature of the allegation warrants immediate action, the chairperson should direct the employee to absent himself/herself from the school with immediate effect. In cases of uncertainty or doubt, the chairperson should consult with and follow the advice provided by the relevant child care manager in the Health Services Executive, as well as take whatever other steps are considered appropriate to remove any risk to the pupils in the school.

It is vitally important that each school has clear and effective child protection procedures in place which are in accordance with the Department Guidelines and Procedures and that these procedures are brought to the attention of management, staff and parents in the school. School management should provide all new staff, whether teaching or otherwise, with a copy of the school's child protection guidelines and ensure that they are familiar with the procedures to be followed. The school should have nominated a senior staff member, normally the Principal, as Designated Liaison Person for the school and, where possible, the school should also have nominated a deputy DLP.

Training for those newly appointed as a DLP or deputy DLP is being arranged by Teacher Education Section.

(e) The Code of Behaviour

Central to the operation of an effective and caring school is a fair and efficient Code of Behaviour to which the whole school community can subscribe, which encourages mutual respect and co-operation and which has regard to the rights and responsibilities of all concerned.

The Board of Management is charged, under Section 23 of the Education (Welfare) Act, 2000 with the responsibility of ensuring that a Code of Behaviour is drawn up, applied in the school and kept under review.

The Code of Behaviour should take account of the ethos and the environment of the school, should encompass rules, sanctions, rewards, incentives and procedures, and should be formally approved by the Board of Management. It must be available in the school for inspection by Inspectors of the Department of Education and Science.

Guidelines for drawing up Codes of Behaviour are being finalised by the National Education Welfare Board (NEWB) and will then issue to all schools.

(f) Provision of information to students

Section 27 of the Education Act 1998 requires a Board of Management to establish and maintain procedures for the purposes of informing students of the activities of the school. These procedures must facilitate the involvement of the students in the operation of the school in association with their parents and teachers. This involvement should have regard to the age and experience of the students.

(g) Enrolment

Section 15(2)(d) of the Education Act 1998 requires the Board of Management to publish the policy of the school concerning the admission to and participation in the school. The schools enrolment policy should have the prior approval of the Patron.

In summary, Section 15, subsection (2) of the Education Act states that:

“A board shall... publish, in such a manner as the board with the agreement of the patron considers appropriate, the policy of the school concerning admission to and participation in the school, including the policy of the school relating to the expulsion and suspension of students and admission to and participation by students with disabilities or who have other special educational needs... and ensure ...that ...the right of parents to send their children to a school of the parents’ choice are respected...”

The compulsory school starting age in a National School is 6 years of age. Enrolment in individual schools is the responsibility of the managerial authority of those schools and the Department does not seek to intervene in decisions made by schools in such matters. The Department’s main responsibility is to ensure that schools in an area can, between them, cater for all pupils seeking places. This may result, however, in some pupils not obtaining a place in the school of their first choice.

It is the responsibility of the managerial authorities of schools that are not in a position to admit all pupils seeking entry to implement an enrolment policy in accordance with the Education Act. In this regard a board of management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. In formulating an admissions policy a school must, however, ensure it is lawful. In particular, it must act in accordance with section 7 of the Equal Status Act 2000 (as amended by Section 50 of the Equality Act, 2004).

The Board of Management of a school is also obliged under section 19(3) of the Educational Welfare Act 2000 to make a decision in writing in respect of an application for enrolment within 21 days and to inform the parents in writing of that decision.

Where a Board of Management refuses to enrol a student in a school, the parent of the student or, where the student has reached 18 years of age, the student himself or herself, following the conclusion of any appeal procedures at school level, has a statutory entitlement under section 29 of the Education Act (as amended by Section 4 of the Education (Miscellaneous Provisions) Act 2007, to appeal that decision to the Secretary General of the Department of Education and Science. A committee is established to hear the appeal with hearings conducted with a minimum of formality. In most cases appeals must be dealt with within 30 days. Where appropriate, the Secretary General may give whatever directions to the Board of Management that are considered necessary to remedy the matter complained of.

Details on appealing decisions on enrolment under section 29 of the Education Act (as amended by Section 4 of the Education (Miscellaneous Provisions) Act, 2007), are available on the Department's website at www.education.ie

(h) School Starting Age

Rule 64(1) of the Rules for National Schools states “a child may not be allowed to attend or be enrolled in a national school before the fourth anniversary of his birth”. Furthermore, in accordance with the Education Welfare Act, the compulsory school starting age of a student in a National School is 6 years of age.

The primary school curriculum is designed as an eight year course, including a two year infant cycle followed by six years in standards from first to sixth, with children progressing to the next grade at the end of each school year. Pupils commencing school for the first time should be enrolled at the commencement of the school year in order to complete the full primary school course.

Circular 27/85 states that a pupil should not be admitted to first standard unless he/she has reached the age of six years by 1st September of the school-year in which he/she is enrolled in that class.

(i) Retention of pupils in school

The Department's policy in relation to the retention of pupils in primary schools is set out in Primary Circular 32/03 which issued to all primary schools in December 2003.

The Department is providing considerable support for pupils with learning difficulties and special educational needs in schools. Learning Support/Resource Teachers (LS/RTs), resource teachers, special needs assistants, computer equipment and a wide range of resources under the various schemes for schools in areas designated as disadvantaged are among the forms of provision allocated to schools to support these pupils.

Under the Department's policy, pupils should only repeat a year for educational reasons and under no circumstances should an additional grade level (middle infants or repeat sixth class) operate through the retention of all or a substantial number of pupils for a second year at a grade level.

The level of provision now available should enable pupils to make progress in keeping with their needs and abilities and to move consecutively through the different class levels in the school in keeping with their peers.

Special schools funded by the Department of Education and Science are intended to cater for children and young persons with special educational needs from 4 years until the end of the school year in which they reach their 18th year. At that point, the Department of Health and Children/Health Service Executive assumes direct responsibility for young adults with special educational needs who are over 18 years. It is expected that a school will have been liaising with the health authorities during the final year of a young person's attendance in school to ensure the person's successful transition to adult services by the time s/he reaches age 18.

(j) Removal of student from a school/roll

The Education (Welfare) Act, 2000 obliges schools to keep an accurate and updated account of the enrolment and attendance of students. Such records are subject to monitoring by the NEWB. Schools have an obligation to inform the NEWB of the absence of any student for a period in excess of 20 days in any one school year. Guidelines have issued to schools in relation to the reporting of absences and attendance reports. There a number of criteria which form the basis for a school to report 20 days absence, e.g. 6 or more cumulative days suspended; intention to expel. Boards should familiarise themselves with these guidelines setting out requirements to notify the NEWB of student absences.

The re-enrolment of a student who has been removed from the roll is a decision for the Board of Management to be taken in accordance with the school's published admissions policy. In considering such decision, Boards must have due regard to the provisions of the Education (Welfare) Act, 2000 and of the appeals procedures provided for in Section 29 of the Education Act, 1998 (as amended by Section 4 of the Education (Miscellaneous Provisions) Act, 2007.

Pupils retained on the school register on 30 September of a school year for the purpose of compliance with the Education & Welfare Act, 2000 should not be counted towards valid enrolment for the purposes of determining staff numbers.

Transfer of Pupils

The position in relation to the transfer of pupils from one school to another is outlined in Section 20 of the Education (Welfare) Act. It outlines the steps which must be taken by the principal teachers concerned i.e. that where a student leaves one school to go to another, the principal of the first school must provide a report to the new principal of any school attendance problems the child has experienced or other matters relating to the child's educational progress as he or she considers appropriate.

(k) Expulsion of student

Section 24 of the Education (Welfare) Act states:

“(1) Where the board of management of a recognised school or a person acting on its behalf is of the opinion that a student should be expelled from that school it shall, before so expelling the student, notify the educational welfare officer to whom functions under this Act have been assigned, in writing, of its opinion and reasons therefor.

Guidelines have issued to schools from the National Educational Welfare Board (NEWB) giving additional detail on the responsibilities of the Board in this regard.

(l) Supervision of Students

Sections 14, 15 and 23 of the Education Act, 1998 assigns each Board of Management and Principal Teacher responsibility for the day-to-day management of schools. Principals should organise supervision for the order and general behaviour of pupils during school hours. In particular, they should organise and participate in the effective supervision of the pupils during breaks, lunch-breaks, assembly and dismissal.

Rules 121(4) and 124(1) of the Rules for National Schools and Section 23(2) of the Education Act 1998 oblige teachers to take all reasonable precautions to ensure the safety of pupils and to participate in supervising pupils when the pupils are on school premises, during school time and/or on school activities. Accordingly, the responsibility of all teachers individually and collectively to provide a duty of care at all times towards the pupils in the school in which they teach, including periods of supervision remains. Special needs assistants, who may be assigned to schools to cater for pupils with significant care needs, may be required to assist such pupils with toileting, if appropriate.

While the Department does not issue specific guidelines on requirements for supervision of different age pupils, it acknowledges that the degree of supervision required of school authorities varies with the circumstances, including the age of the pupil. This duty, in the case of very young pupils, might include an obligation to ensure that such pupils do not leave the classroom without appropriate supervision.

In July 2002, the Department agreed arrangements for the provision of funding for supervision in respect of mid-morning and lunch-time breaks. Circular 21/02 issued at that time and it set out the agreement and arrangements for payment. The agreement provided for the provision of funding to Boards of Management for supervision on the basis of an estimated need of 37 hours supervision per annum per whole time teacher equivalent or a minimum of 122 hours per school, whichever is the greater.

Schools certify at the end of the school year that the supervision duties have been carried out and based on returns from the schools payment issues in July/August to the relevant teachers.

Specific arrangements apply in the case of 1, 2 & 3 teacher schools. In one teacher schools a grant equivalent to 122 hours of supervision is paid to the BOM for the provision of supervision services which may be facilitated by the appointment of a lunchtime supervisor. Grants are also paid to 2 & 3 teacher schools.

(m) Administration of Medication to students

It is important that the Board of Management of schools request parents to ensure that the school is made aware of any medical condition suffered by any children in the school. Where the school is aware of potential difficulties that may arise as a consequence of a medical condition suffered by one or more pupils, it can be possible for the Management Authorities, working in conjunction with the parents, teachers and children to put preventative measures in place to lessen the possibility of any difficulties arising, or to ensure that if a pupil suffers an anaphylactic reaction etc., that appropriate treatment is available.

The administration of medicines in the school is the subject of an agreement between the Irish National Teachers Organisation and the organisations representing school management at primary level. While this agreement specifies that no teacher can be required to administer medicine or drugs to pupils, it also sets out procedures that must be followed where a teacher or teachers agree to do so.

The position is that either the parents of the child should make themselves available to administer medication as required or where they wish the staff in the school to administer it, they should indemnify the school. *(In this way the rights of the child and the parents and the interests of the school are protected in a balanced way).*

It is this Department's experience that once the matter has been discussed in detail with the Board of Management and teachers of a school, and once all parties are clear as to the procedures to be followed, arrangements can normally be made to administer the type of medicine which may be required.

The Department **cannot** direct any member of the Board of Management or the teaching staff of the school to administer medical treatment to pupils, actions and procedures which are normally carried out by medical professionals such as doctors and nurses.

(n) Religious Instruction

Pupils and parents enjoy a number of legal rights regarding their choice of school for primary education.

Statutory rights to choice of school derives from Article 42 of the Constitution which provides that

- Parents shall be free to provide education in their homes or in private schools or in schools recognised or established by the State and
- The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.

This has been reaffirmed through statutory provision in the Education Act 1998, section 6 of which provides for a number of objects to which those concerned with the implementation of the Act must have regard, including promoting “the right of parents to send their children to a school of the parents’ choice having regard to the rights of patrons and the effective and efficient use of resources”.

Section 15 of the Education Act, 1998 requires boards of management of schools to uphold, and be accountable to the Patron for upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, educational, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school.

Under Section 30 of the Education Act (1998), no student can be required to attend instruction in any subject which is contrary to the conscience of the parent of the student. The Act also requires that, in prescribing curricula for recognised schools, the Minister must take due account of the characteristic spirit of a school or type of school.

Provision is made for the inclusion of religious instruction on the curriculum for primary schools. The Department recognises the rights of the different church authorities to design these curricula and to supervise their teaching and implementation. To this end, thirty minutes of the school day is allocated to the teaching of religious instruction at primary level.

The content of the religion programme is determined by the Patron of the school.

The Revised Curriculum for Primary Schools espouses the importance of tolerance towards the practice, culture and life-style of a range of religious convictions and states explicitly that the beliefs and sensibilities of every child are to be respected.

12. Parents as Partners in Education

(a) Parents' Associations

The Board of Management is obliged under Section 26 of the Education Act 1998 to “give all reasonable assistance to parents who wish to establish a parents’ association and to a parents’ association when it is established”. The parents’ association is an essential organisation which enables parents to remain fully informed on educational developments, to voice the opinions of parents on issues that concern them and to liaise closely with the Principal, the teaching staff and the Board of the school on all matters relating to the educational welfare of their children.

(b) Fund-raising

A parents’ association derives its authority from Section 26 of the Education Act 1998 which provides inter alia:

- that a parents’ association shall promote the interest of the students in a school in co-operation with the board, principal, teachers and students
- that a parents’ association shall, following consultation with its members, make rules governing its meetings and the business and conduct of its affairs
- that the board shall promote contact between the school, parents of students in the school and the community and shall facilitate and give all reasonable assistance to parents who wish to establish a parents’ association and to a parents’ association when it is established.
- that the parents’ association once established shall advise the principal or the board on any matter relating to the school and the principal or board as the case may be shall have regard to such advice.
- that the parents’ association shall adopt a programme of activities which will promote the involvement of parents in consultation with the principal, in the operation of the school.

It follows from the provisions of the Education Act 1998 that the activities of a parents’ association should have an ultimate objective of promoting students’ interests in co-operation with the school and that a board is obliged to give all reasonable assistance to a parents’ association in this regard. The Act envisages a collaborative role between the Board and the parents’ association. Where a parents’ association acts in a manner which is contrary to the students’ interests and which offends the relevant regulations in this regard as laid down by the Minister from time to time, then it does so without the protection of the Act and thereby acts in a manner which is ultra vires.

Section 26(4) of the Act places an obligation on a parents’ association to make rules governing its meetings and the conduct of its affairs. This power extends to making regulations regarding the internal procedures of the association however its power to make rules is constrained by the overriding obligation to promote the interests of students in a school.

This subsection does not confer independent powers on a parents' association which extends beyond promoting students' interests.

A parents' association is entitled to raise funds for the administration and activities of the association. Full accounts must be maintained and presented at the Annual General Meeting of the parents' association, in accordance with the rules of the association. The parents' association should consult with the board about fund-raising for the school or school projects. The approval of the board is needed prior to these funds being raised. The expenditure of these funds is by the board of management in consultation with the parents' association. The board prepares a total account of income and expenditure at the end of each school year and this is available to parents. Any funds raised must be used for the purpose(s) for which the money was collected. If in exceptional circumstances, it becomes unnecessary for the board to use all of the funds collected for the purpose specified, the board will communicate this to the parents' association and where appropriate, the local community. In any event the funds may be used for the school. The board in consultation with the Committee of the parents' association will decide the change of purpose for which the funds are used.

(c) Complaints Procedure

Procedures for processing complaints by parents and students will be prescribed for all schools under Section 28 of the Education Act, 1998.

Most schools currently operate a Complaints Procedure which is designed to facilitate the handling of complaints from parents concerning schools and teachers. Many schools choose to use one of the standard complaints procedures negotiated at national level between school management authorities and teacher interests, but the board of management of the school is free to determine its own fair procedure for the handling of complaints. In general, these procedures are intended to facilitate resolution of a complaint as speedily as possible and at the simplest level. The more commonly used local complaints procedure which schools usually use is the INTO/Management complaints procedure (See Appendix A)

The Department of Education and Science supports the principle that complaints regarding schools should be resolved at school level whenever possible and will only become involved in the review of specific complaints after every effort has been made to resolve the matter at local level. If, following the completion of the complaints procedure and the issuing of a finding by the Board of Management of the school, the complainant remains dissatisfied, she/he may raise the matter with the Department.

In the case of Catholic and Church of Ireland primary schools, the Patron Bodies of these schools have advised Boards to follow the INTO/Management complaints procedure.

(d) Special Education Appeals Board

The Special Education Appeals Board was established under the Education for Persons with Special Educational Needs Act (EPSEN) 2004 to hear and determine appeals under the Act. The Appeals Board will be independent in the performance of its functions and was established in April 2007 to ensure that appropriate structures and processes will be in place once the relevant sections of the EPSEN Act, which would allow appeals to be undertaken, are commenced.

(e) School Reports/Progress Reports

While the Department sets out statutory obligations in accordance with the Education Act, 1998 on a board to provide school reports for its students, it has no mandate to determine the content of these reports.

This Department's role in relation to school reports held by school authorities is governed by the Education Act i.e. schools must ensure that parents of a student have access to records maintained by the school relating to the student's progress in his or her education. Section 20 of the Act places an obligation on schools to establish procedures for informing parents of matters relating to the operation and performance of the school. Section 22(2)(b) of the Act, states that "the Principal and teachers shall regularly evaluate students and periodically report the results of the evaluation to the students and their parents".

(f) Parent Teacher Meetings

There are differences between the post-primary and primary sectors which make it appropriate to apply a different model in respect of parent/teacher meetings in the primary sector than that applicable in the post-primary sector. These factors include the age of the children, the pattern of attendance of parents at primary schools, and that children at primary level are taught by a single teacher.

Having regard to the overall circumstances of children at primary level:

1. The parties acknowledge and accept that a parent should be able to have a formal meeting with a teacher at a suitable and convenient time. If such a meeting cannot be facilitated at a formal parent/teacher meeting then the parent will be offered a suitable and convenient appointment for same.
2. In each school year there will be one formal parent/teacher meeting held in each primary school. This meeting will normally commence at 3.15 pm and will end at 5.45 pm unless otherwise agreed at local level between all relevant parties. In any event the parent/teacher meeting will not take place during the school tuition period. The school will close 15 minutes early on the day of the formal parent/teacher meeting.

Staff meetings and parent-teacher meetings should not be arranged for the day immediately preceding or immediately following the breaks set out in the Standardised School Year.

13. Health and Safety

Boards of Management, as employers have a responsibility to provide for the Health and Safety of their employees in accordance with statute law. The Safety, Health and Welfare at Work Act of 2005, is the principal such statute. Further significant statutes are:

- The Safety, Health and Welfare at Work (General Application) Regulations, 1993 and the 2001 and 2003 amendment Regulations;
- The Maternity Protection Act, 1994 and associated Regulations and Orders
- The Safety, Health and Welfare at Work (Chemical Agents) Regulations, 2001
- Occupiers' Liability Act 1995
- The Organisation of the Working Time Act, 1997
- The Safety, Health and Welfare at Work (Construction) Regulations 2001 and 2003
- The Public Health Tobacco (Amendment) Act, 2004.

Details of these statutes may be found on the website of the Health and Safety Authority.

In drawing up a Safety Statement, a Board may find the local branch of the Health and Safety Authority helpful. The address and telephone number of the local office may be obtained from the Health and Safety Authority, 10 Hogan Place, Dublin 2.

Tel: 01 6620400. www.hsa.ie

The 2005 Health and Safety at Work Act requires the Board of Management to consult with its employees to ensure co-operation in the prevention of accidents and ill-health. The consultation should be on two levels, with the employees and with a Safety Representative or Committee chosen by the employees.

The initial consultation serves to advise staff of the requirements H&S Act's aims and requirements. Staff may be requested to elect a Safety Representative and to compile a list of perceived hazards for the consideration of the Safety Officer and the Board of Management.

The H&S Act also requires that Boards of Management should have a prepared Safety Statement which sets out how issues of Health and Safety are managed within the school. While legislation requires only that the Safety Statement should apply to employees, it is recommended that it should also take into account corresponding interests of pupils and visitors to the school.

A Board of Management is obliged to ensure that its Safety Statement and associated procedures are regularly monitored and reviewed in consultation with the staff of the school.

14. Insurance

It is the duty of the Trustees, in consultation with the Board of Management to put in place comprehensive insurance cover for the school. (See Section 19 of Constitution of Boards and Rules of Procedure 2007).

The Board shall ensure that all such insurances are effected and maintained as are necessary to safeguard the school, the Board and the Trustees against all public liability and against the consequences of negligence on the part of any person employed by the Board, or any servant or agent of the Board, or any defect in the buildings, premises, furnishings or equipment of the school whereby loss or damage might result to any person in or upon the school premises.

The following is the position for schools operating from premises owned by the Minister

A Lease, to be executed between the Minister for Education & Science and the relevant school patron, is being introduced for schools operating in premises owned by the Minister. Under the terms of that Lease, schools are obliged to take out Public Liability and Employer's Liability insurance but are not required to take out buildings cover. Buildings will be covered by State indemnity.

The Lease will be put into place on a phased basis, starting with schools that are commencing operation in a premises owned by the Minister in the 2007/8 school year. Thereafter, Leases will be put in place for schools already operating in Ministerially-owned premises. It is intended to have Leases put in place for all such schools as soon as practicable. However, up to and until such time as the Lease is executed between the Minister and the relevant Patron, schools operating in Ministerially-owned premises are obliged to have adequate Buildings cover in place, along with Public Liability and Employer's Liability insurance.

The insurance policy shall be available for inspection by interested parties.

15. The School Year

Primary schools are required to be in operation for a minimum period of 183 teaching days during the school year.

Department of Education Circular Letter 11/95 outlines the required time in school, which includes:

- 183 teaching days in the school year
- 5 hours 40 minutes as the minimum number of instruction hours per day (reduced by 1 hour in the case of Junior and Senior Infant classes)

The following school closures are included in the 183 days referred to above:-

- Exceptional Closure (only with the approval of the Department of Education and Science)
- In-service days where the Department has given advance approval
- Special free days granted by the Minister for Education and Science to mark a special occasion or event (e.g. National Day of Mourning etc.)
- Where a closure arises due to a school being used as a Polling Station

Standard arrangements for the opening of schools during the school years 2004-2008 have been agreed and set out in Circular M21/04. All schools are obliged to conform to the arrangement outlined in the Circular.

Religious Observance and standardisation

Arrangements outlined in Circular M21/04 are agreed without prejudice to closure on specific days, within the overall requirement of 167 days at post primary level and 183 days at primary level, dictated by religious observance that is required in schools under the patronage of different denominations or faiths.

In the absence of an adequate number of discretionary days a school authority may choose to utilize a religious observance day for non-tuition purposes when planning the school year.

An updated Circular will issue shortly covering the years 2008 onwards.

Schools are required to publish to parents the following information in a standard format at the commencement of each school year:

- The national standardised school year
- The minimum number of school days in the school year
- The school calendar for the school year
- The total number of school days and school closures in the school year for the school

It should be made clear that the calendar could be subject to change in the event of a closure for an exceptional cause, but that, as a general rule, any unforeseen closure would be compensated for later in the school year.

Each Board of Management should engage in discussion locally with parents concerning the practical arrangement which will apply when closures occur at short notice. In addition, if there are changes to the school calendar, formal notification should issue to parents immediately.

16. Finance

What constitutes an adequate accounting system will depend on the size of the school and the diversity of its activities. However, a computerised template of an efficient accounting system is available, on request, from Primary Administration Section 2, Department of Education and Science, Cornamaddy, Athlone, Co. Westmeath and is also available on the Department's website at www.education.ie.

The operation of school accounts must be carried out in accordance with Section 18 of the Education Act 1998 which states:

- 18 (1) Except in the case of a school established or maintained by a vocational education committee, a board shall keep all proper and usual accounts and records of all monies received by it or expenditure of such monies incurred by it and shall ensure that in each year all such accounts are properly audited or certified in accordance with best accounting practice; and
- (2) Accounts kept in pursuance of this section shall be made available by the school concerned for inspection by the Minister and by parents of students in the school, in so far as those accounts relate to monies provided in accordance with Section 12.

Accounts must also be maintained in accordance with Section 12 and 19 of the Constitution of Boards and Rules of Procedure.

The Board of Management is responsible for the government and direction of the school, the use of school resources and the management of budgetary allocations made to the school by the Minister for Education and Science. To discharge this duty the Board should ensure that there is an adequate system of control, delegation and accountability in place, so as to ensure the smooth and efficient operation of school services and school administration.

School Returns

Boards of Management are responsible for making certain "returns" to the Department of Education and Science and other statutory bodies.

The Annual Primary School Census provides information on the enrolment and staffing of the school at the last Friday in September of each year. This information forms the basis for DES funding, teacher allocation, various grant payments, etc. In this respect, the DES requires that attendance registers must be kept accurately and retained for possible inspection. **A prompt return of Census forms is essential and any delay in returning these forms could result in a delay of such payments.** (Please note: pupils who are being maintained on the rolls, under Section 20 (4) of the Education (Welfare) Act, 2000 should not be included in the forms).

17. Buildings/Accommodation

Boards of Management are advised to ensure that an effective and planned programme of regular and routine maintenance and repair is in place at the school to ensure the upkeep of the school property and the integrity of the buildings and services. Guidance on how such a maintenance and repair programme might be devised and implemented is detailed in “Maintenance Matters”, a publication which was circulated to school communities by the Department’s Planning & Building Unit. The Minor Works Grant, which is paid to schools annually, should be sufficient to allow routine maintenance and repairs to be undertaken on a planned basis. The Summer Works Grant assists schools to undertake significant improvements to the fabric of the school and to the mechanical and electrical installations at the premises during the vacation period.

Details of the various elements of the Schools Building and Modernisation Programme are available on the Department’s website at www.education.ie Application forms for capital funding under the different strands of the programme can be downloaded from the website.

In cases where additional accommodation is required at a school, Boards of Management are strongly advised to give early consideration as to how this will be provided. Boards should take cognisance of the lengthy lead in periods involved as regards planning permission as well as issues of procurement of consultants, suppliers, contractors etc. and the actual construction or installation phase.

Any queries or other relevant issues can be raised with the Planning & Building Unit of the Department who will provide guidance, assistance and advice. Full contact details for the Unit are available on the Department’s website.

18. National Council for Special Education (NCSE)

The Department is continuing to support the structural and legislative changes that are necessary to ensure that the special educational needs of children are being met. To this end, a number of administrative functions previously carried out by the Department are now being undertaken by the NCSE. The role of the Council includes taking over some key functions in relation to special education provision from the Department of Education and Science. These functions include:

- Carrying out research and providing expert advice to the Minister on the educational needs of children with disabilities and the provision of related services
- Providing a range of services at local and national level in order that the educational needs of children with disabilities are identified and provided for
- Co-ordinating with the Health Service Executive, schools and other relevant bodies, the provision of education and related support services to children with disabilities

In so-doing, the Council will have a very significant impact on the delivery of services by operating at local level and interacting with schools, pupils and parents with a view to ensuring speedy access by these children to the best education appropriate to their needs. The Council, with its network of over 80 Special Education Needs Organisers (SENOs) is providing a structure for the delivery of an effective and speedy education service to children and families coping with disability on a daily basis. Working locally on the ground, the SENOs are a focal point of contact for parents and schools. All schools have the names and contact details of their local SENO. Parents may also contact their local SENO directly to discuss their child's special educational needs, using the contact details available on www.ncse.ie

APPENDIX A

INTO/MANAGEMENT COMPLAINTS PROCEDURE

The Irish National Teachers' Organisation and the Primary School Management representatives reached agreement on a procedure for dealing with complaints by parents against teachers. The purpose of the procedure is to facilitate the resolution of difficulties where they may arise in an agreed and fair manner. The agreement lays out in five stages the process to be followed in progressing a complaint and the specific timescale to be followed at each stage.

Important note

Revised procedures for processing complaints by Parents will be prescribed for all schools under Section 28 of the Education Act 1998. When available, the revised procedures will be sent to each school and will replace the procedures printed here.

Introduction

Only those complaints about teachers which are written and signed by parents/guardians of pupils may be investigated formally by the Board of Management, except where those complaints are deemed by the Board to be:

- (i) on matters of professional competence and which are to be referred to the Department of Education;
- (ii) frivolous or vexatious complaints and complaints which do not impinge on the work of a teacher in a school; or
- (iii) complaints in which either party has recourse to law or to another existing procedure.

Unwritten complaints not in the above categories may be processed informally as set out in Stage 1 of this procedure.

Stage 1

- 1.1 A parent/guardian who wishes to make a complaint should, unless there are local arrangements to the contrary, approach the class teacher with a view to resolving the complaint.
- 1.2 Where the parent/guardian is unable to resolve the complaint with the class teacher she/he should approach the Principal with a view to resolving it.
- 1.3 If the complaint is still unresolved the parent/guardian should raise the matter with the Chairperson of the Board of Management with a view to resolving it.

Stage 2

- 2.1 If the complaint is still unresolved and the parent/guardian wishes to pursue the matter further she/he should lodge the complaint in writing with the Chairperson of the Board of Management.
- 2.2 The Chairperson should bring the precise nature of the written complaint to the notice of the teacher and seek to resolve the matter between the parties within 5 days of receipt of the written complaint.

Stage 3

- 3.1 If the complaint is not resolved informally, the Chairperson should, subject to the general authorisation of the Board and except in those cases where the Chairperson deems the particular authorisation of the Board to be required:
 - (a) supply the teacher with a copy of the written complaint; and
 - (b) arrange a meeting with the teacher and, where applicable, the Principal Teacher with a view to resolving the complaint. Such a meeting should take place within 10 days of receipt of the written complaint.

Stage 4

- 4.1 If the complaint is still not resolved the Chairperson should make a formal report to the Board within 10 days of the meeting referred to in 3.1(b).
- 4.2 If the Board considers that the complaint is not substantiated the teacher and the complaint should be so informed within three days of the Board meeting.
- 4.3 If the Board considers that the complaint is substantiated or that it warrants further investigation it proceeds as follows:
 - (a) the teacher should be informed that the investigation is proceeding to the next stage;
 - (b) the teacher should be supplied with a copy of any written evidence in support of the complaint;
 - (c) the teacher should be requested to supply a written statement to the Board in response to the complaint;
 - (d) the teacher should be afforded an opportunity to make a presentation of case to the Board. The teacher would be entitled to be accompanied and assisted by a friend at any such meeting;
 - (e) the board may arrange a meeting with the complainant if it considers such to be required. The complainant would be entitled to be accompanied and assisted by a friend at any such meeting; and
 - (f) the meeting of the Board of Management referred to in (d) and (e) will take place within 10 days of the meeting referred to in 3.1(b).

Stage 5

- 5.1 When the Board has completed its investigation, the Chairperson should convey the decision of the Board in writing to the teacher and the complainant within five days of the meeting of the Board.
- 5.2 The decision of the Board shall be final.
- 5.3 This Complaints Procedure shall be reviewed after three years.
- 5.4 Management Bodies or the INTO may withdraw from this agreement having given the other party three months' notice of intention to do so.

In this agreement 'days' means schools days.